

**A PERFORMANCE AUDIT OF THE
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY'S
COMMERCIAL WASTE FACILITY OVERSIGHT**

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
RESPONSE TO AUDIT RECOMMENDATIONS
May 18, 2004

Chapter I

Regulation of hazardous and radioactive waste disposal in Utah appears to adequately follow safeguards for the health and safety of Utah's population. The Utah Department of Environmental Quality (DEQ) follows federal regulations and state laws as delineated in the Utah Code.¹

Chapter II

*1. We recommend the Legislature review the **Utah Code** outlining the EQRA account to clarify legislative intent.*

The Department of Environmental Quality (DEQ) is prepared to assist the Legislature in review of the intent of the Environmental Quality Restricted Account (EQRA), Utah Code 19-1-108.

2. We recommend the DEQ formalize its oversight plans and include prioritization, risk assessment and necessary funding levels.

DEQ Divisions of Radiation Control (DRC) and Solid and Hazardous Waste (DSHW) regulatory performance has been reviewed and received high ratings from the U.S. Nuclear Regulatory Commission and the U. S. Environmental Protection Agency, respectively. At the Legislature's request, DEQ will formalize its oversight plans for commercial waste facilities, including prioritization, risk assessment, and funding, and present its recommendations for necessary funding levels to the Legislature.

Chapter III

1. We recommend the department ensure that its oversight plans are coordinated between divisions and kept current.

The DEQ Divisions of Radiation Control and Solid and Hazardous Waste currently coordinate on matters where they have shared regulatory responsibilities. The Divisions will coordinate their oversight plans and keep those plans current.

2. We recommend DRC establish formal policy and practice of a risk-based groundwater split-sample program.

DEQ Division of Radiation Control will formalize policy and practice for risk-based groundwater split-sampling.

¹ Italics in this response are quotes from the Office of Legislative Auditor General, A Performance Audit of the Department of Environmental Quality's Commercial Waste Disposal Facility Oversight, Report No. 2004-06, May 2004.

3. *We recommend that DSHW design and implement written, uniform, annual inspection plans.*
Consistent with action under Chapter II, Recommendation 2 (above), DEQ Division of Solid and Hazardous Waste will design and implement written, uniform, annual inspection (oversight) plans for commercial waste facilities.
4. *We recommend the Legislature study DSHW's penalties to determine appropriate maximum fine levels.*
DEQ Division of Solid and Hazardous Waste is prepared to assist the Legislature in determining the appropriate maximum fine levels.
5. *We recommend that DSHW sample treated waste to ensure that it meets treatment standards.*
DEQ Division of Solid and Hazardous Waste will develop and implement a sampling program to determine if treated waste meets appropriate standards.

Chapter IV

1. *We recommend that DRC create a position to maintain its information systems.*
In the Audit Report, the Division of Solid and Hazardous Waste's information management system was recognized for its performance. At the Legislature's request, DEQ Division of Radiation Control will prepare a recommendation to create and fund a position and plan for an information management system.
2. *We recommend that the facilities submit monthly fee reports in a more user-friendly format.*
DEQ Divisions of Radiation Control and Solid and Hazardous Waste will establish a new reporting format for commercial waste facilities, in order to facilitate tracking and accounting of waste types, volumes, and fees on a monthly basis.
3. *We recommend that DEQ establish a commercial waste facility audit program to provide quality assurance for its regulatory program.*
DEQ has audited the commercial waste facilities, but it does not have an established audit program. At the Legislature's request, DEQ will recommend a program and associated funding to audit commercial waste disposal facilities and enhance quality assurance for its regulatory programs.
4. *We recommend that the Legislature review Utah Code 19-6-118, regarding generator fees, and clarify its intent.*
DEQ will assist the Legislature in its review and clarification of procedures for calculation of fees paid by commercial waste facilities.
5. *We recommend DEQ establish a formal written policy specifying fees which facilities should pay for waste that falls under more than one fee category.*
DEQ Divisions of Radiation Control and Solid and Hazardous Waste will prepare a written determination for fees to be paid when waste falls under more than one fee category, and make recommendations for changes in statute and/or rule, as appropriate.